

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL - 6 1993

In the Matter of)

Co-Channel Protection Criteria)
for Part 90, Subpart S Stations)
Operating Above 800 MHz)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PR Docket No. 93-60

To: The Commission

REPLY COMMENTS

Advanced MobileComm, Inc. ("AMI"), by its counsel and pursuant to Section 1.415 of the Commission's Rules, 47 CFR Section 1.415, hereby submits its Reply to the Joint Comments of the National Association for Business and Educational Radio, Inc., the American Mobile Telecommunications Association, Inc., Motorola, Inc. and the Industrial Telecommunications Association, Inc. (the "Joint Commentors") in the above-captioned proceeding.¹

AMI, and its affiliates, have been actively involved in the provision of both mobile and fixed telecommunications services throughout the United States.² AMI is one of the

¹Notice of Proposed Rulemaking, FCC 93-140 (April 7, 1993).

²AMI's ultimate parent company, FMR Corp., is the nation's largest privately-owned investment management organization. FMR Corp., together with its subsidiaries (collectively "Fidelity Investments"), provides investment, management and shareholder

largest providers of Specialized Mobile Radio services in the nation, operating regional SMR systems, and supporting sales and service operations in Southern California; Raleigh/Durham, North Carolina; Minneapolis/St. Paul, Minnesota; Dallas/Ft. Worth, Texas; Denver, Colorado; and Las Vegas, Nevada, among other locations.

The Joint Commentors request that the Commission clarify the interference protection afforded between 800 MHz Stations licensed in the Mexican border area on offset channels pursuant to Section 90.619 of the Rules and Stations outside the border area licensed on the regularly-assignable channels pursuant to Section 90.621 of the Rules. Joint Comments at 15-17. In this respect, the Joint Commentors note that "(p)reviously, the Commission's Gettysburg Licensing Division utilized an informal policy of reviewing applications for spacing less than 50 miles from a system offset by 12.5 kHz. However, such review is no longer performed." Id. at 15. The Joint

both by offset channels licensed within the border area and non-offset channels licensed outside the border area. Clearly, interference protection is necessary between stations that operate in part on the same channels. The Commission previously has recognized this necessity and in fact has provided protection pursuant to Section 90.621 between offset and non-offset Stations.

To this end, the Private Radio Bureau held in its decision authorizing the use of the offset channels for public safety purposes by San Bernardino County that it would apply the full 70 mile interference protection requirements of Section 90.621 to applications requesting SMR frequencies "that are 12.5 kHz removed from frequencies being used by the County...."³ Although the Bureau suggested in San Bernardino that the separation between the existing offset and new non-offset Stations "theoretically... need not be as great" as 70 miles, it made clear that any deviation from the 70 mile standard would be approved only on a case-by-case basis and only after an examination of all pertinent facts.

³San Bernardino, 63 RR 2d 1733, 1736 (1987).

In affirming the San Bernardino decision, the Commission stated that:

because use of the offsets will have an electromagnetic effect on co-channel facilities that is similar to the electromagnetic effect of use of the existing channels, the Bureau reasonably concluded that it should treat the offset frequencies in the same way as the co-channel assignments for purposes of interference protection from future stations.⁴

In short, the Commission's Rules, policies and precedent concerning the use of offset channels by PLMRS stations in the border area fully support the conclusion that Section 90.621 affords the existing operations of offset Stations protection from harmful interference from new non-offset facilities. AMI, accordingly, supports the clarification to the Commission's Rules requested by the Joint Commentors.

Respectfully submitted,
ADVANCED MOBILECOMM, INC.

By: 
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July 6, 1993

⁴San Bernardino Reconsideration, 65 RR 2d at 455. See Basic Exchange Telecommunications Radio Service, 3 FCC Rcd 214, 64 RR 2d 368, 375 (1987) ("BETRS Order"), recon., 4 FCC Rcd 5017, 66 RR 2d 977 (1989).

CERTIFICATE OF SERVICE

I, Robert B. Kelly, hereby certify that I have on this 6th day of July, 1993 caused to be sent by United States first class mail, a copy of the foregoing document to:

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